

Appendix G: Article Summary

This section summarizes state statute pertaining to the program. Quotes are used when the statute language is more concise.

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Alaska Public Records Act

The Alaska Public Records Act includes AS 40.25.100 - 40.25.295. Statutes pertinent to this project are summarized below.

Public Records Open to Inspection and Copying Fees

Alaska Stat. § 40.25.110 (2016). Public records open to

inspection and copying; fees [Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.25. Public Record Disclosures. Sec 40.25.110. Public records open to inspection and copying; fees.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.25.110>. This statute determines that all public records from all public agencies are open to public inspection unless specified otherwise. The statute also authorizes agencies to charge (or waive) a fee for the inspection and copying of public records under the terms laid out in the statute, and determines that electronic information provided in print should be supplied without “codes or symbols,” unless documentation is included.

Electronic Services and Products

Alaska Stat. § 40.25.115 (2016). Electronic services and

products [Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.25. Public Record Disclosures. Sec 40.25.110. Electronic services and products.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.25.115>. This statute authorizes public agencies to provide “electronic services and products” to the public, and charge, reduce or waive the fee for services used for a public purpose. In addition, it requires public agencies to develop a contract that ensures the security of the information system and limits the liability for the agency; notify the State Library Distribution and Data Access Center of electronic products and services; provide a summary to the center including formats available and fees; provide access to the products/services through one or more public terminals; and report any fees that are collected for deposit in the general fund. This statute also stipulates that the governor can waive fees for access to electronic products and services.

Public Records; Exceptions; Certified Copies

Alaska Stat. § 40.25.120 (2016). Public records;

exceptions; certified copies [Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.25. Public Record Disclosures. Sec 40.25.120. Public records; exceptions; certified copies.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.25.120>. This statute restricts access to public records including vital statistics and adoptions, records including information on juveniles, medical and public health records, records restricted by federal law or government regulation, records necessary for federal assistance eligibility, some law enforcement records, personally identifiable information with regard to participation in the Alaska Higher Education Savings Trust and advance college tuition savings program, electronic signatures, casualties involving boats, state security including policy, plans, etc. on infrastructure such as buildings and information systems, some proposed regulations, “proprietary, privileged, or trade secrets,” etc.

Copies of Public Records for Veterans

Alaska Stat. § 40.25.121 (2016). Copies of public records

for veterans [Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.25. Public Record Disclosures. Sec 40.25.121. Copies of public records for veterans.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.25.121>. This statute ensures that public records required to obtain veteran benefits are provided without charge.

Litigation Disclosure

Alaska Stat. § 40.25.122 (2016). Litigation disclosure

[Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.25. Public Record Disclosures. Sec 40.25.122. Litigation disclosure.* Retrieved March 16, 2018, from

<http://www.legis.state.ak.us/basis/statutes.asp#40.25.122>. This statute ensures that public records used for litigation remain public information except for those records including “a person involved in the litigation.”

Supervision and Regulation

Alaska Stat. § 40.25.123 (2016). Supervision and

regulation [Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.25. Public Record Disclosures. Sec 40.25.123. Supervision and regulation.* Retrieved March 16, 2018, from

<http://www.legis.state.ak.us/basis/statutes.asp#40.25.123>. This statute describes the authority for supervision over Alaska Stat. § 40.25.110 -40.25.140, which requires the supervising entities to adopt “regulations for the operation and implementation of AS 40.25.110 - 40.25.140 by public agencies.” Supervising entities and their accountable public agencies include: The Department of Administration, over executive branch agencies except the Alaska Railroad Corporation; the Legislative council, over public agencies in the legislative branch; the administrative director of the Alaska Court System, over public agencies in the judicial branch; and the Board of Regents of the University of Alaska, over University of Alaska. The statute also establishes requirements for regulations to include procedures for the public appeal process. The public should be aware of procedures to appeal when access to public records is denied or the fee for access is too great.

Appeals

Alaska Stat. § 40.25.124 (2016). Appeals [Electronic

version]. *Title 40 Public Records and Recorders. Chapter 40.25. Public Record Disclosures. Sec 40.25.124. Appeals.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.25.124>. This statute establishes the right for a person to extend the appeal process to the superior court if a resolution could not be established by a supervising agency (AS 40.25.123).

Enforcement: Injunctive Relief

Alaska Stat. § 40.25.125 (2016). Enforcement: Injunctive

relief [Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.25. Public Record Disclosures. Sec 40.25.125. Enforcement: Injunctive relief.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.25.125>. This statute establishes legal accountability for agencies and representatives of agencies who “[deny, obstruct, or attempt] to obstruct, the inspection of public records.”

Confidentiality of Library Records

Alaska Stat. § 40.25.140 (2016). Confidentiality of library

records [Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.25. Public Record Disclosures. Sec 40.25.125. Confidentiality of library records.* Retrieved March 16, 2018, from

<http://www.legis.state.ak.us/basis/statutes.asp#40.25.140>. This statute addresses the confidentiality of personally identifiable information of people who access and use public information provided by “libraries operated by the state, a municipality, or a public school, including the University of Alaska.” It also states that public records from public school libraries that identify minors must be provided on request to the “parent or guardian of that child.”

Confidentiality of Retirement Records

Alaska Stat. § 40.25.151 (2016). Confidentiality of

retirement records [Electronic version]. *Title 40 Public Records and Recordors. Chapter 40.25. Public Record Disclosures. Sec 40.25.151. Confidentiality of retirement records.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.25.151>. This statute establishes the confidentiality of retirement records that “contain information about a person.” It also states that this information may be released under certain conditions while the subject of the record is still alive, and after the subject is deceased.

State and Community Libraries

State Library Duties

Alaska Stat. § 14.56.030 (2016). State library duties

[Electronic version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.030. State library duties.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.030>. This statute establishes the authority of the state library to include coordinating library services with other agencies “to increase effectiveness and eliminate duplication,” “providing reference library service to state and other public officials,” providing support and financial aid services to other public libraries and municipalities, “serving as a depository for state and federal publications concerning Alaska,” applying for and administering federal funds available to libraries, and operating the Alaska State Archives.

State Library Distribution and Data Access Center

This section includes AS 14.56.090 - 14.56.180. Statutes pertinent to this project are summarized below.

State Library Distribution and Data Access Center Established

Alaska Stat. § 14.56.090 (2016). State library

distribution and data access center established [Electronic version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.030. State library distribution and data access center established.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.090>. This statute the state library distribution and data access center.

Duties of the Center

Alaska Stat. § 14.56.100 (2016). Duties of center

[Electronic version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.030. Duties of the center.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.100>. This statute establishes that the “center shall, in cooperation with federal, municipal, and private data collection and research efforts, promote the establishment of an orderly depository library and data index distribution and access system.”

Regulations

Alaska Stat. § 14.56.110 (2016). Regulations [Electronic

version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.110. Regulations.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.110>. This statute grants the regulatory authority over AS 14.56.090 - 14.56.180 to the Department of Education and Early Development.

Deposit of Publications and Research Data

Alaska Stat. § 14.56.120 (2016). Deposit of publications

and research data [Electronic version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.120. Deposit of publications and research data.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.120>. This statute establishes the authority of the state library distribution and data access center. Under this statute, state agencies are required to: deposit four copies of publications upon release with the center, notify the center “of the creation of all data published or compiled by or for it at public expense, including automated databases, and provide for its accessibility through the center unless the data is protected by the constitutional right to privacy or is of a type stated by law to be confidential or the agency is otherwise prohibited by law from doing so.” The statute provides further guidance allowing municipalities to deposit data and information, and requiring agencies to request copies of research conducted by a state agency for a person even when no state funding was involved.

Liaison with Center

Alaska Stat. § 14.56.123 (2016). Liaison with center

[Electronic version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.123. Liaison with center.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.123>. “Each state agency shall and each municipality and regional educational attendance area may designate one of its employees to be responsible for depositing the materials and information specified in AS 14.56.120.”

Summaries and Indices

Alaska Stat. § 14.56.125 (2016). Summaries and indices

[Electronic version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.125. Summaries and indices.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.125>. “(a) Upon notification of the creation of data under AS 14.56.120, a state agency shall and a municipality or regional educational attendance area may prepare an abstract or summary of it.

(b) The center shall prepare and keep current an index of all publications and data abstracts or summaries on file and shall publish and distribute that index regularly to contracting depository libraries and to other Alaska libraries upon request.”

Other Documents Required of State Agencies

Alaska Stat. § 14.56.130 (2016). Other documents

required of state agencies [Electronic version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.130. Other documents required of state agencies.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.130>. This statute states that an agency must provide “a complete list of its current state publications, data published or compiled by or for it at public expense, and a copy of its mailing or exchange lists” when it is requested by the center unless there are legal restrictions prohibiting its distribution.

Efficiency and Computerization

Alaska Stat. § 14.56.135 (2016). Efficiency and

computerization [Electronic version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.135. Other documents required of state agencies.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.135>. This statute states that “the center shall, to the extent practicable, avoid duplication, coordinate its activities with other state agencies charged with record-keeping functions, and employ computerization to compile or organize research data and other materials.”

Depository Library Contracts

Alaska Stat. § 14.56.150 (2016). Depository library

contracts [Electronic version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.150. Depository library contracts.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.150>. This statute provides authority to the Department of Education and Early Development to develop requirements to determine which libraries may become a depository library, and to the center to enter into “depository contracts with municipal, regional educational attendance area, university or community college libraries, public library associations, state library agencies, the Library of Congress, and other state and federal library systems.”

Distribution of State Publications and Research Data

Alaska Stat. § 14.56.170 (2016). Distribution of state

publications and research data [Electronic version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.170. Distribution of state publications and research data.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.170>. This statute states that the center may not “engage in general public distribution” of publications or the lists or indexes of publications or research data. However, it may provide these things upon request.

Definitions of Terms

Alaska Stat. § 14.56.180 (2016). Definitions [Electronic

version]. *Title 14 Education, Libraries, and Museums. Chapter 14.56. State and Community Libraries. Sec 14.56.180. Definitions.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#14.56.180>. ‘(1) "center" means the state library distribution and data access center;

(2) "research data" or "data" means a representation of facts, concepts or instructions in a formalized manner suitable for communication, interpretation, or processing by humans or by automatic means that was prepared to serve as a basis for reasoning, calculation, discussion, or decision and that is determined appropriate for indexing by the state librarian; (3) "state agency" includes state departments, divisions, agencies, boards, associations, commissions, corporations, and offices, and the University of Alaska and its affiliated research institutes; (4) "state publication" includes any official document, compilation, journal, bill, law, resolution, bluebook, statute, code, register, pamphlet, list, book, report, study, hearing transcript, leaflet, order, regulation, directory, periodical, or magazine issued or contracted for by a state agency determined by the state librarian to be appropriate for retention in the center.’

Management and Preservation of Public Records

This section includes AS 40.21.010 -40.21.140. Statutes pertinent to this project are summarized below.

Archival and Records Management Program Creation and Administration

Alaska Stat. § 40.21.020 (2016). Archival and records

management program creation and administration [Electronic version]. *Title 40 Public Records and Recorders. Sec. 40.21.030. Duties of the state archivist. Sec 40.21.020. Archival and records management program creation and administration.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.21.020>. This statute establishes the Alaska State Archives under the Department of Education and Early Development, and tasks the department with managing a state archives and records management program and appointing a state archivist to oversee the program.

Duties of the State Archivist

Alaska Stat. § 40.21.030 (2016). Duties of the state

archivist [Electronic version]. *Title 40 Public Records and Recorders. Sec. 40.21.030. Duties of the state archivist. Sec 40.21.030. Duties of the state archivist.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.21.030>. This statute establishes accountability for the state archivist through the archival program. Among other duties, the archivist is responsible for acquiring “public records of permanent value,” establishing and operating a state archival depository, “review[ing] and approve[ing] all agency records retention schedules,” making “permanent records under the supervision of the archivist, other than those required by [AS 40.25.120](#) to be kept confidential, available for public use at reasonable times; preparing “inventories, indexes, catalogs, and other finding aids or guides to facilitate the use of the archives.” Within the records management program, the archivist will ‘(1) analyze, develop, and coordinate the standards and procedures for record making and current record keeping; (2) ensure the maintenance and security of records; (3) initiate action to recover state records removed without authorization; (4) establish and operate state records centers for the purposes of accepting, servicing, storing, and protecting state records that must be preserved for varying periods of time but which are not needed for the transaction of current business; (5) transfer records considered to have permanent value to the state archives; (6) institute and maintain a training and information program in all phases of the management of current records for all state agencies; (7) make continuing surveys of paperwork operations and recommend improvements in current records management practices, including the use of space, equipment, and supplies; (8) initiate programs for improving the management of correspondence, forms, reports, and directives as integral parts of the overall records management program; (9) provide centralized microfilm service for state agencies as determined to be necessary by the department; (10) establish standards for the preparation of records retention schedules providing for the retention of state records of permanent value and for the prompt and orderly disposition of state records no longer possessing administrative, legal, or historical value to warrant their retention; (11) receive records retention schedules from the agencies and submit them to the attorney general for review and approval; (12) obtain from agencies reports that are required for the administration of the program.’

Regulations

Alaska Stat. § 40.21.050 (2016). Regulations [Electronic

version]. *Title 40 Public Records and Recorders. Sec. 40.21.030. Duties of the state archivist. Sec 40.21.050. Regulations.* Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.21.050>. This statute tasks departments with “adopt[ing] regulations necessary to carry out the purposes of this chapter.”

Duties of Chief Executive Officers of State Agencies

Alaska Stat. § 40.21.060 (2016). Duties of chief

executive officers of state agencies [Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.21. Management and Preservation of Public Records. Sec 40.21.060. Duties of chief executive officers of state agencies*. Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.21.060>. Among other duties, this statute tasks chief executive officers with “establish[ing] and maintain[ing] an active, continuing program for the efficient management of the records of the agency under the procedures prescribed by the department, including effective controls over the creation, maintenance, and use of records in the conduct of current business.”

Assistance to Legislative and Judicial Branches

Alaska Stat. § 40.21.100 (2016). Assistance to legislative

and judicial branches [Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.21. Management and Preservation of Public Records. Sec 40.21.100. Assistance to legislative and judicial branches*. Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/statutes.asp#40.21.100>. This statute states that “upon request, the department shall assist in the establishment of records management programs in the legislative and judicial branches of the state government and shall provide program services similar to those available to the executive branch of state government.”

Retention and Preservation of Electronic Records

Alaska Stat. § 4 AAC 59.005 (2016). Retention and preservation

of electronic records [Electronic version]. *Title 40 Public Records and Recorders. Chapter 40.21. Management and Preservation of Public Records. Sec 40.21.100. Assistance to legislative and judicial branches*. Retrieved March 16, 2018, from <http://www.legis.state.ak.us/basis/aac.asp#4.59>. “A state agency shall establish internal procedures to comply with state archives and records management standards for creation, use, maintenance, storage, retention, preservation, and disposition of state records in an electronic format.”